

## **REMARKS**

Applicants have carefully studied the outstanding Official Action. The present amendment is intended to be fully responsive to all points of rejection and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the present application are hereby respectfully requested.

Applicants thank the Examiner for the courtesy of an interview granted on 31 October 2007 to Applicants' representative David Zviel, registration number 41392. The substance of the interview is included in the Interview Summary.

In the interview, the Examiner and the Applicants' representative discussed clarifying amendments to claims 1 and 6. Claims 1 and 6 have been amended accordingly, thus placing the application in condition for allowance and overcoming the rejection of record.

Applicants have amended claims 1, 6, 11, and 19 as discussed in the interview.

Claims 1-19 were examined. Claims 16-18 have been canceled without prejudice. Thus, claims 1-15 and 19 are now pending in this application.

Claims 1-19 stand rejected under 35 U.S.C. 102(b) as being anticipated by Jaaskelainen (US6002397).

Claims 6-10 stand rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

The rejections are respectfully traversed.

### **Rejection under 35 U.S.C. 102(b)**

#### **Claims 1-19**

Original claim 1 of the present invention was directed towards a method for assigning a focus priority to each of a plurality of windows able to

accept focus, assigning focus to the highest focus priority window from the windows able to accept focus and designating the chosen window as an active window.

The term “focus” is explained on page 1, lines 14-17 of the filed application as follows:

*“‘Having the focus’: When we say that a window ‘has the focus’, it means that the multi-window system directs keyboard and remote control entries towards the window. Generally the application managing the window listens to the events so as to react to user requests’*

It should be noted that there is a big difference between “having the focus” and the order of the windows on the screen in an overlapping window situation. The order of the layering of windows on the screen is only relevant if the windows overlap. However, “having the focus” is relevant whether the windows overlap or do not overlap.

Original claim 1 of the present application was directed towards assigning “focus”.

The Office Action rejected claims 1-19 as being anticipated by Jaaskelainen. The rejections are respectfully traversed.

Jaaskelainen is dealing with the problem of lower lying windows, where the lower lying windows are obscured by the upper window(s) as described in the background section of Jaaskelainen.

Col. 1, lines 21-26:

*“This in focus or primary window appears to be on top of the interface. An unfortunate side effect is that at least a portion of, if not all, an underlying window is obscured by the top window. Although obscured, the computer will continue to write to*

*underlying windows with output from the respective owning application."*

Jaaskelainen describes a prior art solution is to manually minimize the upper windows in order to bring the desired windows to the top of the user interface.

Col. 1, lines 35-38:

*"In such a case, it is inconvenient to close or minimize the windows to repetitively change the focus of the interface bring one or the other window to the top of the user interface."*

Jaaskelainen continues to describe that it would be convenient to view parts of lower lying windows without rearranging the windows or without changing the focus.

Col. 1, lines 44-53:

*"There are situations where it would be convenient to be able to observe parts of lower windows which are covered by the top window without rearranging the desktop by moving or minimizing windows or changing the user focus in the user interface. For example, the user may wish to periodically check the progress of a process running in the background without disturbing the window to which his primary attention is directed. There are numerous data entry operations where it would be convenient to refer to underlying windows."*

Jaaskelainen describes using a hatch through upper windows to view lower windows without having to rearrange the windows.

Col. 2, lines 31-33:

*"It is another object of the invention to allow a user to define a window hatch without rearranging the existing windows."*

Col. 2, lines 50-52:

*"Thus, portions of the desired underlying window show through the window hatch, without rearranging the display priority of the overlapping windows."*

Col. 2, lines 58-61:

*"The underlying window can be repositioned either with conventional window controls or by grabbing an underlying window through the window hatch so that the desired information shows through the hatch."*

Col. 5, lines 12-16:

*"If a user was interested in seeing obscured information on those windows, in the prior art, he would be forced to rearrange the windows, e.g., raise the priority of an obscured window. The present invention presents a window hatch as improved solution to the problem."*

It should be noted that although Jaaskelainen describes a priority of the windows, this has nothing to do with assigning **focus**. Jaaskelainen uses priority of the windows to decide the order of window overlay, **which is not the same as focus**.

Col. 8, lines 63-64:

*"The screen monitor module decides the order of window overlay by the priority of the pixels for each screen location."*

Original claim 1 of the present application was directed towards assigning "focus" according to a priority, whereas Jaaskelainen describes creating

“hatches” to view lower lying windows wherein the windows are layered according to a priority, which is nothing to do with assigning focus.

Therefore, it is respectfully submitted that original claim 1 and the other claims are patentable over Jaaskelainen.

While continuing to traverse the rejections, and without in any way prejudicing the patentability of the rejected claims, Applicants have, in order to expedite the prosecution, chosen to cancel claims 16-18 and amend independent claim 1 and 11 to include the following limitations:

the assigning focus is performed “automatically without the need to receive any instruction from the viewer” - supported by page 11, lines 2-4 and page 3, lines 26-28; and

the assigning focus is performed “so that requesting focus for one of the windows does not necessarily allow focus to be given to the one window requesting focus” - supported by page 11, lines 15-20.

Additionally, the preamble of claim 1 now recites “In an environment including a set-top box associated with a television system, the set-top box being operative to receive instructions from a viewer via remote control, the set-top box running a window-based display system” - supported by page 10, lines 8-13.

### **Rejection under 35 U.S.C. 101**

#### **Claims 6-10**

The Office Action rejected claims 6-10 as being directed to non-statutory subject matter. The rejections are respectfully traversed.

While continuing to traverse the rejections, and without in any way prejudicing the patentability of the rejected claims, Applicants have, in order to expedite the prosecution, chosen to amend claim 6 so that claim 6 is directed

towards a set-top box associated with a television system, wherein the set-top box has a windows display sub-system for managing windows displayed on the television system - supported by page 10, lines 8-13.

Additionally claim 6 has been amended for clarity purposes to include the limitation of assigning focus being performed "so that requesting focus for one of the windows does not necessarily allow focus to be given to the one window requesting focus" - supported by page 11, lines 15-20.

Claim 19 has been amended to reflect the amendments to claim 6.


The Applicants reserve the right to pursue the originally filed claims including the cancelled claims in a continuation application.

In view of the above amendments and remarks it is respectfully submitted that independent claims 1, 6, 11, 19 and hence dependent claims 2-5, 7-10, and 12-15 are in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

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